

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APP. NO. 09/783,129

REMARKS

Summary of Office Action

Claims 1-9 are pending in the application.

Applicant thanks the Examiner for removing the previous rejections in response to the Amendment filed September 20, 2004. The current status of the claims is the following.

Claims 1 and 2 are rejected under 35 U.S.C. § 102(a) as being anticipated by newly-cited Inoue (JP 11088301 A).

Claim 3 is rejected under 35 U.S.C. § 102(a) as being anticipated by newly-cited ETSI TS 125 322 V3.1.2 (2000-01); hereinafter "ETSI."

Claims 4-6 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of ETSI.

Claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over newly-cited Kurobe et al. (US 6,233,251) in view of newly-cited Yamanaka et al. (US 5,878,041).

Also, the drawings are objected to due to the informality noted on page 2 of the Office Action. FIG. 7 is amended by switching the "YES" and "NO" designations at step 730, as suggested by the Examiner.

Analysis of Claim Rejections

Regarding the rejection of claims 1 and 2 under 35 U.S.C. § 102(a) as being anticipated by newly-cited Inoue (JP 11088301 A), Applicant submits that Inoue does not disclose the claimed features of:

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adding a length field for indicating the length of data in a data region and a length indicator field for identifying the length of the length field to each of the divided header information; and

forming a predetermined protocol frame by adding a first error protection code for error-protecting the length field and a second error protection code for error-protecting the length indicator field to each of the length field and the length indicator field.

The above features are discussed more fully in the discussion below regarding claim 4. At least because Inoue does not teach these features, claim 1, and its dependent claim 2, are believed to be patentable over Inoue.

Regarding the rejection of claims 4-6 and 8 over Inoue in view of ETSI, Applicant submits that these references, taken alone or in combination, fail to teach or suggest all the limitations of the claims. For example, the applied references do not disclose the feature of claim 4 of forming a predetermined protocol frame by adding error checking or protection codes to both the length field and the length indicator field, or the frame-forming unit of claim 8. The Examiner asserts that Inoue discloses these features, but Applicant respectfully disagrees. In this

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regard, the Examiner points to the CRC in FIG. 1 and the abstract of Inoue. However, Applicant submits that neither FIG. 1 nor the abstract teaches or suggests forming a predetermined protocol frame by adding error checking or protection codes to both the length field and the length indicator field. FIG. 1 does not illustrate a length field or a length indicator field. Also, Inoue's abstract fails to mention a length field or a length indicator field. Instead, the abstract describes adding an extension field and a CRC field to each of a plurality of AL3-SDUs. Furthermore, although ETSI appears to disclose a length field and a length indicator field, ETSI does not disclose forming a predetermined protocol frame by adding error checking or protection codes to both the length field and the length indicator field. Therefore, Applicant submits that claims 4 and 8 are allowable.

Applicant submits that claims 5 and 6 are allowable at least because of their dependence from claim 4.

With further regard to claim 5, the Examiner asserts that Inoue inherently discloses the features of the claim, because a CRC field is added to each of the AL3-SDU and AL2-SDU units of a multiplexed PDU packet for a purpose of data information, so that each of the AL3-SDU and AL2-SDU units can be evaluated properly. Applicant submits, however, that a first error protection code for error-protecting the length indicator field in the header information and a second error protection code for error-protecting the length field would not necessarily have been included in Inoue's system, and thus are not inherently disclosed by Inoue. There is no requirement in Inoue for a first error protection code for error-protecting the length indicator field in the header information and a second error protection code for error-protecting the length

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field. Thus, the claimed first and second error protection codes would not necessarily have been included in Inoue's system. Applicant submits that claim 5 is allowable for this additional reason.

In response to the rejection of claims 7 and 9 over Kurobe in view of Yamanaka, Applicant submits that it would not have been obvious to combine the references. The Examiner concedes that Kurobe does not disclose the feature of claim 7 of transmitting a blank data block to the upper layer in a case where there is some error, when the second error protection code is checked. To make up for this deficiency of Kurobe, the Examiner applies Yamanaka. The Examiner asserts that it would have been obvious to combine the teachings of Yamanaka with those of Kurobe to detect loss of transform stream packets. The alleged motivation to combine the references is to perform error control correctly at higher layers (see Yamanaka at col. 2, lines 17-19). The cited portion of Yamanaka states the following:

To perform the error control correctly, a sequence number should be provided for each CPCS-PDU, but this function is not provided for the AAL Type 5.

The Examiner alleges that the motivation to combine the transmitting of a null packet from Yamanaka with the teachings of Kurobe is based upon the above-quoted disclosure of Yamanaka. However, Yamanaka discloses that it is a sequence number that should be provided to perform error control correctly, not the transmitting of a null packet. Thus, Applicant submits that the alleged motivation to combine the references is deficient in that the transmitting of a null packet is not disclosed as allowing the performing of error control correctly.

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Furthermore, Kurobe discloses performing error control. Applicant submits that there is no teaching or suggestion that the error control of Yamanaka would have been preferred over the error control provided by Kurobe.

Applicant submits that claim 7 is allowable for at least the foregoing reasons.

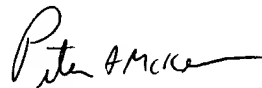
Applicant submits that claim 9 is allowable over the prior art, for reasons analogous to those for claim 7.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

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AMENDMENTS TO THE DRAWINGS

FIG. 7 is amended herein as illustrated in the attached Annotated Sheet.